

File No.: F0416

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Rodney Badcock, et al.**

U.S. Application Serial No.: **10/810,345**

Filed: **March 26, 2004**

Examiner: **N/A**
Group Art Unit: **N/A**

For: **Monitor for an Optical Fibre and Multi-Guide Optical Fibre Circuits and Methods of Making Them**

MAIL STOP: PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: **Charlema Grant,Esq.**
Petitions Attorney,
Office of Petitions

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(b)
ON DECISION REFUSING STATUS MAILED AUGUST 19, 2005

Dear Madam:

In response to the Petitions Attorney Decision mailed August 19, 2005, please find enclosed the Request for Reconsideration in the present case.

It has been indicated in the Decision that Applicant has failed to show that the non-signing inventors refused to sign the declaration after having been presented with the application papers. Furthermore, according to the Petitions Attorney, the Statement of Facts provided states that the inventors Badcock and Giles "had access to the above-noted patent application". However, a Rule 47 applicant should explain further what access to the patent application the non-signing inventors had.

Further, it is the position of the PTO that the letter to the inventors only mentions assignment documents with no indication that application papers (specification, including claims, drawings) were ever presented to inventors Badcock and Giles.

Petitioner respectfully disagrees with the above position of the Petitions Attorney.

As requested by the Patent Office, a Declaration of Mr. Shafiq Parwaz, managing director of RMS Technical Consultants Ltd (RMS hereinafter), who signed the Declaration on behalf of the inventors, accompanies this Request. It is indicated in the attached Declaration that Mr. Parwaz had first-hand knowledge with respect to the circumstances surrounding mailing and delivery of the documents for the above-noted patent application to the inventors.

As to the documents presented in this case, the Petitions Attorney posits that the letter from RMS to inventor Giles (see Exhibit B) only mentions the assignment documents. The Petitioner respectfully disagrees with this position. Actually, the letter from RMS to Dr. Giles dated October 8, 2004 (see Exhibit B) clearly states that "A copy of the above patent is also attached for your reference." Although the specific wording "application papers" was not used, it is respectfully submitted that such wording cannot be construed as providing "no indication" that application papers were ever presented. In this respect, the enclosed Declaration of Mr. Parwaz, clearly states that this letter to inventor Giles was accompanied by a complete copy of the patent application, including the specification with claims, drawings, and declaration. Thus, the above language of the Exhibit B should be interpreted as Dr. Giles was provided with the complete copy of the present patent application including the specification with claims, drawings, and the Declaration.

Furthermore, in the response letter from Dr. Giles to Mr. Shafiq Parwaz of RMS dated October 12, 2004 (see Exhibit C), it is clearly stated that "I am in receipt of your letter of 8th October and enclosures." Therefore, this language must be regarded as

clearly demonstrating that the application papers were in fact presented to Dr. Giles. In this respect, the enclosed Declaration of Mr. Parwaz also indicates that this language should be interpreted as the acknowledgement by Dr. Giles of receipt of the October 8, 2004 letter with the encloses which included a complete application package containing the specification with claims, drawings, and Declaration.

It is also indicated in the attached Declaration of Mr. Parwaz that October 8, 2004 letter from RMS to Dr. Badcock (see Exhibit A) was accompanied by a complete copy of the present patent application including the specification with claims, drawings, and the Declaration. In this respect, the following language of this letter: "A copy of the above patent application is also attached for your reference." should be interpreted, so that the entire present application including the specification with claims, drawing and the Declaration was attached to the letter of Dr. Badcock.

It is respectfully considered that in this Request for Reconsideration the Petitioner has demonstrated that a bona fide attempt was made to present a copy of application papers containing the specification with claims, drawings, and declaration to the non-signing inventors. However, the inventors in the present case have refused to sign the required Declaration after having been presented with application papers.

Withdrawal of the Decision refusing status under 37 CFR § 1.47(b) and early grant of the Request for Reconsideration are hereby respectfully requested.

Respectfully submitted,
SILBER & FRIDMAN

Lawrence G. Friedman,
Registration No. 31,615
Attorney for Applicant

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Clifton, New Jersey 07013
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Hon. Commissioner for Patents
P.O. Box 1450,
Alexandria, VA. 22313-1450

DECLARATION OF SHAFIQ PARWAZ

I, Shafiq Parwaz hereby declare that:

I am Managing Director of RMS Technical Consultants Ltd. (RMS hereinafter) having its principal place of business at The Birches, 20 Heathside Road, Moorpark, Middlesex HA6 2EF, Great Britain.

I have firsthand knowledge with respect to the circumstances surrounding mailing and delivery of the documents for the above-noted patent application to the inventors in the present case, i.e. Dr. Rodney Badcock and Dr. Ian Giles.

SP

On October 8, 2004 a letter from RMS, which I signed, was sent to the first inventor, Dr. Badcock. A copy of this letter (which was previously filed at the U.S. PTO) is enclosed again as an Exhibit A. This letter was also accompanied by a complete copy of the present patent application including the specification with claims, drawings, and the declaration. In this respect, this letter specifically indicates that "A copy of the above patent is also attached for your reference." In view of the above facts, this language should be interpreted, so that the entire present application including specification with claims, drawings, and the declaration was attached to the aforementioned letter to Dr. Badcock.

On October 8, 2004 a letter from RMS, which I also signed, was sent to Dr. Giles. A copy of this letter (which was previously filed at the U.S. PTO) is enclosed again as an Exhibit B. This letter was accompanied by a complete copy of the patent application including the specification with claims, drawings, and the declaration. It has been specifically stated in this letter that "A copy of the above patent is also attached for your reference". In view of the above facts, this language should be interpreted as Dr. Giles was provided with a complete copy of the present patent application including specification with claims, drawings, and the declaration.

On October 12, 2004 a letter was sent from Dr. Giles to me (Mr. Shafiq Parwaz of RMS). A copy of this letter (which was previously filed at the U.S. PTO) is enclosed again as an Exhibit C. In this letter, Dr. Giles indicates that "I am in receipt of your letter of 8th October 2004 and enclosures". This language should be interpreted as Dr. Giles acknowledged receipt of the previously discussed letter of October 8, 2004 (see Exhibit B) and the enclosures which included a complete application package containing specification with claims, drawings, and the declaration.

SP

Furthermore, on October 14, 2004, I personally hand-delivered the entire package related to the present application, including the specification, claims, and drawings, as well as the declaration to Dr. Badcock's home and personally handed the documents to Dr. Badcock's wife, for the personal attention of the inventors in the above-noted application, i.e. Dr. Badcock and Dr. Giles.

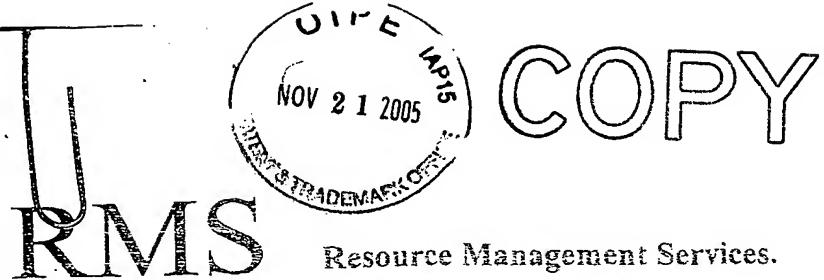
I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of the declarant's own knowledge are true; and that all statements made on information and belief are believed to be true.

Respectfully submitted,

Dated: November 11, 2005



Shafiq Parwaz
Managing Director
RMS Technical Consultants Ltd.
The Birches, 20 Heathside Road
Moorpark, Middlesex
HA6 2EF
Great Britain



RMS

Resource Management Services.

Dr. Rodney Badcock
7 Laburnum Grove
Brands Hill
Slough, SL3 8QS.
England.

8th October, 2004.

Subject: MONITOR FOR AN OPTICAL FIBRE AND MULTI-GUIDE FIBRE CIRCUITS AND METHODS OF MAKING THEM.

Dear Dr. Badcock,

Our patent attorneys have instructed us to send you this letter to request your signatures on the attached Assignment forms. Attached you will find the forms which you are requested to sign. A copy of the above patent is also attached for your reference.

I would be most grateful if you would be kind enough to return the signed forms in the self addressed and stamped envelope provided for your convenience.

If I have not received these signed forms from you by the 15th of October, 2004 then I will assume that you are not willing to sign these them.

In the meantime I may be contacted on 07768-374750 for any further information or clarification that you may require.

Yours sincerely,

Shafiq Parwaz

Shafiq Parwaz.

This is a copy of
the letter sent
requesting
signatures.

RMS Technical Consultants Ltd.

The Birches, 20 Heathside Road
Moor Park, Middlesex. HA6 2EF.
Telephone: 01923 829070. Fax: 01923 836428
Registered in England No: 2937223.

Exhibit A

COPY

RMS

Resource Management Services.

Dr. Ian Giles
22 Downs Court Road
Purley
Surrey. CR8 1BB
England.



8th October, 2004.

Subject: MONITOR FOR AN OPTICAL FIBRE AND MULTI-GUIDE FIBRE CIRCUITS AND METHODS OF MAKING THEM.

Dear Dr. Giles,

Further to our meeting yesterday I now request your signatures on the attached Assignment forms. Attached you will find the forms which you are requested to sign. A copy of the above patent is also attached for your reference. As discussed yesterday our patent attorneys have instructed us to request your and Dr. Badcock's signatures on the attached forms.

I would be most grateful if you would be kind enough to return the signed forms in the self addressed and stamped envelope provided for your convenience.

If I have not received these signed forms from you by the 15th of October, 2004 then I will assume that you are not willing to sign them.

In the meantime I may be contacted on 07768-374750 for any further information or clarification that you may require.

Yours sincerely,

Shafiq Parwaz.

RMS Technical Consultants Ltd.

The Birches, 20 Heathside Road
Moor Park, Middlesex. HA6 2EF.
Telephone: 01923 829070. Fax: 01923 836428
Registered in England No: 2937223.

Exhibit B

COPY



22 Downscourt Road
Purley
Surrey
CR8 1BB

12th October 2004

Mr Shafiq Parwaz
RMS Technical Consultants Ltd.
The Birches
20 Heathside Road
Moor Park
Middlesex
HA6 2EF

Dear Mr Parwaz,

I am in receipt of your letter of 8th October 2004 and enclosures.

I have been in contact with my co-inventor, Dr Badcock, but he has not received a similar letter or forms for signature, please will you forward a set to him. Once he has received and reviewed them we will be able to get back to you. We will not be able to respond by your deadline of 15th October 2004, we can respond within 10 days of Dr Badcock receiving the letter.

Yours sincerely,

Dr Ian Giles

These letters and
email show
that the documents
were received by
both Dr. Gibbs and
Dr. Badcock

Exhibit C